

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT APPLICATION**

Docket Number (Optional)
951/50213

In re Application of: Rudolf EHRMAIER et al.

Application No.: 09/920,294

Filed: August 2, 2001

For: ELECTRONIC CONTROL UNIT AND METHOD FOR THE AUTOMATIC ACTIVATION OF THE BRAKE IN MOTOR VEHICLES

JUN 30 2003

U.S. PATENT & TRADEMARK OFFICE

Petitioner, Bayerische Motoren Werke Aktiengesellschaft, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted based on patent application Serial No. 09/920,293 ('293 application). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted based on said '293 patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent based on said '293 application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned attorney is empowered to act on behalf of the Petitioner organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6-30-03

Date


Signature

Jeffrey D. Sanok
Typed or printed name and title if applicable

32,169
Registration No.

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was
☐ unchanged, ☒ * changed (if changed, an explanation should be supplied).

*To reflect related co-pending patent application rather than prior patent.